



# PARTICIPANT HANDBOOK

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## WELCOME TO DMMC DUI COURT!

Dear \_\_\_\_\_,

Over the course of the next several months, you will learn the skills necessary to help you establish and maintain a life free from alcohol and drugs. Our goal is to support your efforts to improve the quality of your life while also ensuring the safety and security of our community.

This handbook will provide a full explanation of our DUI Court so you understand all that is required of you upon entering the program. Everything the DUI Court Team asks you to do (and not to do) contributes to your success at maintaining a sober lifestyle. The entire DUI Court Team is committed to your success and will do all they can to support your positive efforts. Not only will you become part of this community during your time in the program, but it will continue after you have graduated to help you transition into a healthier lifestyle. Ultimately, it will be your hard work, determination, and your willingness to honestly confront your addiction that will determine whether you will be successful.

On behalf of the DUI Court Team, we wish you the best of luck in your program!

Sincerely,

Hon. Lisa Leone  
DMMC DUI Court Judge

*SOMETIMES THE WRONG CHOICES BRING US TO THE RIGHT PLACES. . .*

## INTRODUCTION

This handbook is designed to provide detailed information about the Des Moines Municipal Court DUI Court. As a DUI Court participant, you will be expected to comply with the individualized treatment plan developed for you by your treatment provider as well as the conditions imposed by the DUI Court Team. You are expected to know the information contained in this handbook to maintain compliance in the DUI Court Program. If you have questions that are not answered in this handbook, you should reach out to your attorney, treatment provider, case manager, or the DUI Court coordinator for further information or clarification.

Note: the information contained in this handbook may change from time to time without prior notice and should not in any way be considered a binding agreement between you and DMMC DUI Court. In the event of any changes, you will be notified of in writing or through your case manager.

## PROGRAM DESCRIPTION

DUI Court is a specialty court responsible for handling cases involving repeat DUI offenders who have a substance use disorder. Participants are managed through comprehensive supervision, treatment services, and a graduated system of incentives and sanctions. As a DUI Court participant, you will be required to attend regular court appearances before a designated DUI Court Judge who oversees your progress and compliance.

DUI Court is a collaborative effort between and among the Judge, Prosecuting Attorney's Office, Public Defenders Office, Des Moines and Normandy Park Police Departments, DMMC Support Services, and local treatment providers. By working together, the DUI Court Team will work to provide individualized programming and supervision aimed at helping you maintain an alcohol and drug-free lifestyle.

As part of this comprehensive approach to encourage a sober lifestyle, your individual supervision program will include a combination of treatment, Moral Reconciliation Therapy (MRT), homework assignments, frequent biological testing for alcohol and/or drug use, frequent court hearings, and regular contact with a case manager to assist you in obtaining needed additional services. The DUI Court rewards compliant behavior and imposes sanctions for negative behavior.

DUI Court consists of five separate phases. The first phase is 60 days and each subsequent phase is normally 90 days with completion expected in 24 months from the date of acceptance. Your individual treatment plan may include the following:

- Detoxification and stabilization
- Monitoring through use of electronic monitoring
- Urinalysis, saliva and breath testing
- Individual and group counseling
- Substance use disorder treatment
- Moral Reconciliation Therapy (MRT)
- Family program
- Relapse prevention
- Participation in peer support groups

Other community agencies may partner with the DUI Court Program to provide services, education, and treatment support. The goal of the Program is to help you become a productive member of your community by living responsibly, observing laws, and remaining drug and alcohol free.

Understand that your participation in the DUI Court Program is a privilege, not a right. You are required to follow all DUI Court rules in addition to following any and all recommendations made by the DUI Court Judge or your treatment provider. Participants may be terminated from DUI Court for major sanctions, a culmination of minor sanctions, or by showing a general lack of progress with treatment. Termination from DUI Court may result in the revocation of all remaining jail time. It is your responsibility to ensure that you understand what is required of you as a DUI Court participant and that you are in compliance with the program.

Once you are welcomed to DUI Court, an individualized case plan is developed to address treatment, employment, counseling, living circumstances, education and financial need. In regards to housing, your case plan may include changes to your living circumstances that may mean you cannot live with certain friends or family members. It is important to your success in DUI Court that you are living in a clean and sober environment and associating with people in recovery. Before each status conference, your case manager will discuss your progress and may refer you to community resources for assistance in addressing your needs.

If you are not progressing at an appropriate pace, the DUI Court Judge will discuss this with you and the DUI Court Team to determine further action. The goal of DUI Court is to help you achieve total abstinence from alcohol and drugs in order to break the “revolving door” of alcohol and crime. To achieve this, the DUI Court Judge may change the requirements of your

treatment plan and the length of time you spend in each phase based upon your progress. The DUI Court Judge may also impose sanctions for noncompliance.

## TARGET POPULATION

The DMMC DUI Court targets those offenders who have been deemed to be high risk/high need and who are dependent on alcohol and/or drugs. In an effort to ensure that we accept those within this target population, we use the Computerized Assessment and Referral System (CARS), Impaired Driving Assessment (IDA) and/or Ohio Risk Assessment System (ORAS). These are screening tools to identify the risks and needs of a participants based on a comprehensive psychosocial and mental health assessment. The information these assessments provide allow for better targeting of services and better communication regarding participants' needs.

## ELIGIBILITY CRITERIA

All DUI Court participants must meet the following initial eligibility criteria:

- ✓ Must not be currently participating in another therapeutic court.
- ✓ If in custody, must not have any other holds, including immigration holds.
- ✓ Cannot have a conviction for a prior sex offense (including allegation of sexual motivation) in adult or juvenile court.
- ✓ Cannot have a past conviction that is a violent offense (including convictions for vehicular homicide/vehicular assault) in adult or juvenile court.
- ✓ Cannot have a conviction for a Class A felony in adult or juvenile court.
- ✓ Cannot have a felony conviction for a firearm offense or any conviction with a firearm enhancement in adult or juvenile court.
- ✓ Cannot have a conviction involving the manufacturing or delivery of: controlled substances, counterfeit substances, or any other substances commonly used to manufacture controlled substances (RCW 69.50.4011-4012).
- ✓ Cannot have any active gang affiliation.

If the initial eligibility criteria are met, the following requirements must also be met:

- ✓ Must screen as high-risk/high-need using a validated risk/needs/responsivity assessment.
- ✓ Must be assessed as suffering from a substance use disorder.

## ENTRY PROCESS

The following is a brief overview of the entry process after a case has been filed by a police officer/prosecutor into the DUI Court. Please note, we only consider candidates for the DUI Court who are charged through Des Moines or Normandy Park Municipal Courts at this time.

1. Immediately prior to (or at) the first appearance on a DUI charge in DMMC, the person/case is screened by the prosecutor for DUI Court eligibility. A screening document is generated and made available to the DUI Court prosecutor, public defender and court. If a person screens as eligible, the Judge will notify the parties to the case that the person appears to be a potential candidate for the program. The Court will then set a pre-trial hearing 14 – 30 days following arraignment.
2. All persons who meet the eligibility criteria will be expected to participate in DUI Court.
3. After the person is sentenced, the case will be scheduled for staffing on the next available DUI Court date.
4. The participant is required to complete the following tasks before their first DUI Court hearing:
  - ✓ Review the DUI Court Participant Handbook.
  - ✓ Participate in the screening and preliminary interview, conducted by the DUI Court Case Manager.
  - ✓ Clear any outstanding warrants, attend any other court hearings as ordered and complete any jail sentences outstanding.
5. Once admitted to DUI Court, the participant will then meet with representatives from the team to ensure that all court obligations are clear, a schedule is identified as it relates to treatment and appointments with the case manager, color line and UA testing is discussed as well as other program obligations, including curfews and home checks.

## DUI COURT PHASES

The DUI Court program consists of five distinct phases. Each phase is designed to build upon the skills acquired in the previous phase and allow the participant to more effectively learn to identify and manage their substance use disorder and/or co-occurring mental illness and foster stable, independent living. By successfully working through each phase, you will develop self-awareness, realize self-worth, and learn responsibility and accountability. Movement between

these phases (referred to as “phasing up”) is based on your compliance level, including progress in: treatment, case management, employment/ educational goals, abstinence, homework assignments, and meeting financial obligations.

DUI Court participants remain in the program for a minimum of 24 months. The amount of time it takes you to graduate is dependent upon your progress. Your individual program is subject to change by the DUI Court Team consistent with your progress through the phases. To advance to the next phase, you must complete the necessary tasks and assignments given to you by your treatment provider and the team AND be violation free for a specified period of time. The five phases of DUI Court are designed to address your addiction, identify any mental health issues, address criminal thinking, social and family problems, and employment or educational needs. To graduate, you must complete all five phases and have at least 90 continuous days of sobriety.

## TREATMENT PLAN

Working with your treatment provider and your case manager, you will develop a mutually agreed upon treatment plan. All parties will sign the agreement and you will be provided with your own copy. The original will be placed in your DUI Court file. Treatment plans will be specific, detailed, individualized, time-linked, and re-evaluated often. The scheduling of treatment may be subject to change as you move through the treatment phases. Once you commit to a treatment plan, it must take priority. This means it is more important than work, school, other appointments, or leisure. It will be your responsibility to maintain a schedule that ensures compliance with all of your DUI Court obligations.

If you are in need of detoxification services, your treatment provider will make a referral. Upon assessment, your treatment placement may be outpatient, intensive outpatient, inpatient or long-term residential. The DUI Court Judge has the final approval of your treatment placement. Inpatient treatment may be considered for failure to comply with your treatment plan. Special treatment arrangements can be made for pregnant women.

## CONFIDENTIALITY

All DUI Court participants are required to sign a “release of information” authorizing your treatment provider to share a copy of your substance use disorder evaluation, monthly treatment reports, and urinalysis results to the DUI Court Team. This information helps the DUI Court Team develop your individualized treatment plan and monitor your progress through each phase of the program.



Rest assured, that the DUI Court Team understands that confidentiality is essential to maintain the integrity of your recovery process. Personal information shared within the confines of treatment will not be shared outside the confines of those locations without your consent. You are also expected to protect the confidentiality of other DUI Court participants; this means that information shared by your peers in treatment/recovery groups or in DUI Court should not be shared by you. All program participants will be required to sign a confidentiality agreement protecting the interests of the participants.

## **DUI COURT TEAM**

The cornerstone of any therapeutic court, including this program, is accountability. As a DUI Court participant, you are held accountable to the Program by each member of the team. The level of supervision of your activity, progress and work in this program is extensive. We know from research that ongoing intense supervision will help to ensure your success in this program. Prior to each DUI Court hearing, team members will meet to discuss each participant's progress. Discussion includes a participant's compliance or lack of compliance, possible sanctions or incentives, and the direction that his or her treatment plan will take based on individualized circumstances and needs.

The core members of the DMMC DUI Court Team include:

- Judge
- DUI Court Coordinator
- Prosecuting Attorney
- Defense Attorney(s)
- Case Manager
- Treatment Provider(s)
- Law Enforcement

Below is a summary of each of the team members and their role on the team.

### **JUDGE**

The DUI Court Judge works diligently to safeguard that all participants are treated fairly and in accordance with the law, that you have an understanding of what is required of you in this program and ensures that you will be accountable to the program requirements. In this way, the Judge ensures you are successful and ultimately that the community is safe.

The DUI Court Judge commitments are as follows:

- Understands the nature of addiction and substance use disorders.

- Willing to engage in the team process.
- Administer sanctions and rewards after considering the team's recommendations and the participant's comments.
- Ensure that the participant is held accountable to the program requirements.

Please note that the Judge cannot give legal advice to participants. Any information from the participant must go through either the defense counsel, treatment provider, or case manager.

### **DUI COURT COORDINATOR**

The DUI Court Coordinator works to provide support to the DUI Court Team. She/he serves as a point of contact for outside agencies, community members and other law and justice professions for the DUI Court Program. She/he also works to secure resources, funding, and cooperation from other agencies that benefit the program and the participants.

The DUI Court Coordinator commitments are as follows:

- Commit to the Program mission and goals.
- Available to lend whatever support is needed to the team.
- Facilitate contact between the team and other agencies.
- Collect data and evaluate program activities and report back to the team.
- Research and apply for funding or resource opportunities.

### **PROSECUTOR**

The Prosecutor ensures community safety by maintaining eligibility standards while participating in a non-adversarial environment focusing on the benefits of therapeutic program outcomes.

The Prosecutor commitments are as follows:

- Participate as a team member in a non-adversarial manner.
- Commit to the Program mission and goals.
- Promote a sense of unified team presence.
- Monitor participant progress to define parameters of behavior that allow continued program participation and suggests effective sanctions and rewards/incentives for program compliance.
- Is knowledgeable about substance use disorders and applies that knowledge to respond to compliance in a therapeutically appropriate manner.

## **DEFENSE ATTORNEY**

The Defense Attorney's primary function is to ensure participants' legal rights are protected and to advocate for participants when issues arise concerning compliance with program requirements. She/he attends all staffing sessions and communicates participants' goals and desires to the team.

The Defense Attorney commitments are as follows:

- Advocate for participants and recommend appropriate sanctions and incentives/rewards.
- Monitor participant progress to support full engagement with the Program and ensure the appropriate provision of treatment and other rehabilitative services.
- Communicate team concerns to the participant and advises participant accordingly.
- Ensure that the participant's legal rights are protected.
- Work with participants to resolve issues with the Department of Licensing (DOL).

## **CASE MANAGER**

The Case Manager works closely with each participant and acts as a resource or source of support while navigating through this Program. The Case Manager engages each participant on all aspects of their life to build a strong working relationship in an effort to ensure success.

The Case Manager commitments are as follows:

- Maintain the Program mission and goals.
- Maintain a balanced view and provide coordinated and comprehensive supervision of the DUI Court participant so as to minimize manipulation and splitting of Program staff.
- Provide accountability.
- Monitor the participant's behavior and program compliance outside of the court by scheduling regular office visits and accompanying law enforcement on home visits.

## **TREATMENT PROVIDER**

The treatment provider works with the team to help determine what will be most therapeutically valuable for each participant in terms of how their treatment relates to their DUI Court involvement.

The Treatment Provider requirements are as follows:

- Ensure clients are evaluated in a timely and competent process

- Ensure that placement in treatment is determined by individual needs of the client and that treatment is individualized.
- Provide multiple treatment interventions capable of addressing the domains of behavior, affect, cognitive, medical, social/family, and spirituality.
- Administer drug and alcohol testing.
- Communicate participants' treatment compliance and progress to the DUI Court Team.

## LAW ENFORCEMENT OFFICER

Law Enforcement provides accountability for participants through participation in court staffings, providing input on sanctions/incentives and attending court graduations. They also assist with random home checks (when ordered by the DUI Court Judge) and performing breath tests as requested by the Court. Their involvement helps to build a positive rapport between law enforcement and participants, as well as the participants' families. In addition, law enforcement is the court's eyes and ears in the community, reporting any contact with program participants either positive or negative to the court.

The Law Enforcement Officers commitments are as follows:

- Commit to the Program mission and goals.
- Participate as a team member in a non-adversarial manner.
- Provide accountability and support.
- Monitor the participant's behavior and program compliance outside of the court by making home checks and monitoring participants in the community.

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*All team members work together to hold the participant accountable, promote a sense of unified team presence, protect internal and external program integrity, and protect public safety.*

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## EXPECTATIONS OF ALL PARTICIPANTS

### 1. HONESTY

It is the responsibility of the participant to disclose any violation of the terms of DUI Court to their treatment provider, case manager, and the DUI Court Team. Honesty is a core component of the DMMC DUI Court. Dishonesty will only impede recovery and hold back progression through the Program. Dishonesty of any form such as lying, tampering with or adulterating drug screens, presenting fraudulent documents, etc. will not be tolerated and will subject a participant to substantial sanctions. Defrauding or lying may lead to termination from DUI Court and/or substantial confinement. Honesty is essential to successful participation in DUI Court.

## 2. CONDUCT DURING COURT SESSIONS

### MANDATORY COURT APPEARANCES

As a DUI Court participant, you will be required to appear in DUI Court on a regular basis. As you advance to higher phases of the program, the number of required court appearances may be decreased. DUI Court hearings are sometimes referred to as “status conferences.” On the day of your status conference, you must arrive at least five minutes before the call of the calendar. **Chronic tardiness may be grounds for court-imposed sanctions or termination from the program.**

If you fail to appear for a scheduled court appearance, the Judge may issue a warrant for your arrest. It is then your responsibility to get the warrant quashed or turn yourself in. If you fail to do either of these things and are subsequently arrested, you will remain in jail until the next DUI Court calendar. If you have questions about your court appearances you may contact your Case Manager or your attorney. Any absence from a DUI Court hearing must be excused at least one week prior, unless such absence is due to an unforeseen emergency and sufficient proof of such is provided.

### RESPECTFUL BEHAVIOR INSIDE (AND OUTSIDE) THE COURTROOM

You must not use disrespectful words or actions or behave in a disrespectful manner to any member of the DUI Court Team, DUI Court participants, employees of the Court, treatment provider employees, or law enforcement. This rule applies at all times, not just while you are in court. Remember that your behavior is a reflection of all DUI Court participants and the DUI Court Program. Maintaining appropriate behavior shows the progress you are making toward your recovery.

While in court, you must observe appropriate courtroom decorum, including:

- No unnecessary talking, noise or distractions.
- No cell phone use in the courtroom (turn off cell phones or they may be confiscated).
- No eating or drinking in the courtroom.
- No smoking or vaping in the courthouse.
- No chewing gum or tobacco.

In addition, participants must dress appropriately for DUI Court hearings and treatment sessions. Shoes must be worn at all times. Clothing bearing drug or alcohol-related themes, promoting or advertising alcohol or drug use, or gang affiliation or profanity are considered inappropriate. Hats and head coverings (unless worn for religious or medical reasons) must be removed while in the courtroom. Sunglasses must also be removed (unless worn for medical

reasons). Shorts, cut-off pants, crop tops and flip flops are not acceptable attire. If you require clothing assistance, talk to your Case Manager.

### **ATTENDANCE OF FAMILY, FRIENDS, OR OTHER SUPPORT PERSONS**

You are encouraged to include parents, relatives, significant others and friends in DUI Court, however, it is your responsibility to ensure that your guests or children are not causing excessive noise or disruption in the courtroom or on your way to and from the courtroom. It is your responsibility to remove disruptive children from the courtroom. If such disruption causes you to miss any portion of court, your attendance may not be excused by the Court and you may receive a sanction. Please seek childcare if necessary to prevent disruptions in court (part of your recovery involves planning ahead). If you bring your child, please bring someone with you who can remove them from the courtroom, if necessary.

### **3. MAINTAIN COMPLIANCE WITH TREATMENT**

You are required to attend all ordered treatment sessions. This includes individual and group counseling, educational sessions, sober support or other meetings conducive to your recovery. If you are unable to attend a scheduled session, you must contact your treatment provider as soon as possible.

### **4. NO NEW CRIMINAL LAW VIOLATIONS**

Receiving another criminal charge or committing criminal acts while a participant in DUI Court may be grounds for immediate termination from the Program. You are required to report within 24 hours any contact with law enforcement to your Case Manager.

### **5. NO DRIVING WITHOUT A VALID LICENSE AND INSURANCE**

You must not drive any motor vehicle without a valid license and insurance. The DUI Court Team will work with you to develop a transportation plan if you do not have a valid license and insurance. They will also assist you in your relicensing efforts with the Department of Licensing (DOL).

### **6. ABSTINENCE FROM ALCOHOL, MARIJUANA, AND NON-PRESCRIBED DRUGS**

You are required to maintain total abstinence from alcohol, marijuana (including medical marijuana), and non-prescribed substances. This also means you must avoid non-alcoholic malt beverages, certain over-the-counter medications, certain foods, and alcohol-based mouthwash, hand sanitizing products, and certain cosmetics that may contain prohibited substances. Abstinence will be monitored through the use of random biological testing (including urinalysis,

mouth swab, and breath testing). If you have questions, or are concerned about something affecting your testing, please contact your case manager. Program participants are also prohibited from entering or frequenting bars or other establishments whose primary business is serving/selling alcohol or marijuana.

## **7. RANDOM DRUG AND ALCOHOL TESTING**

You will be randomly tested throughout the entire DUI Court program, more frequently in the first phases and less frequently in the last phases. Testing may include collection of breath, urine, or saliva. Your initial baseline is provided during the screening and assessment process. Every urinalysis test conducted at the court may be observed and monitored by your case manager or a court staff member. If you choose to submit your random test as determined by the call-in line at another facility that test must be observed and proof of sample must be provided to the court within 24 hours and all results within 5 business days. If you are called for a random drug test and you are on a pre-approved trip, you must submit a test in your travel location and provide proof to the court. The DUI Court Judge and the Team will be informed of all drug test results including positive tests, refusals to test, missed tests, and diluted tests. A positive urine screen, or a refusal to provide a sample, a diluted sample, or a missed test will be considered a positive alcohol screen and may be grounds for sanctions. Any attempt to adulterate or falsify a test will be considered a positive alcohol screen.

## **8. IGNITION INTERLOCK DEVICE (IID) AND/OR TRANSDERMAL ALCOHOL DETECTION (TAD)**

You will be subject to mandatory IID requirements as a result of your DUI conviction. Driving without an IID, where one is ordered by DOL or by the Judge, is a violation and is grounds for immediate termination from the Program and could result in additional criminal charges. In addition to or in place of an IID, the Judge may order you to wear a TAD device. Any attempt to interfere with the readings, or damage (or abscond with) the device will be grounds for termination from the Program.

## **9. HOUSING AND SOCIAL CONTACTS**

Your case plan may include changes to your living circumstances that may mean you cannot live with certain family members or friends. You may be required to live in clean and sober housing that is preapproved by the DUI Court Team. If you live with family members or friends, they will be expected to be clean and sober. If you live in a clean and sober house, you will be expected to follow the regulations of the clean and sober house in addition to DUI Court rules. If you plan to move from your residence, the move is required to be preapproved by the DUI Court Team.

Specially trained law enforcement officers, in partnership with the DUI Court Program, will make unannounced visits to your residence and report findings to the DUI Court Team. The purposes of these visits are to ensure your compliance and report your progress.

It is important that you eliminate situations in which alcohol and/or drugs are in use, this may require that you reduce or eliminate contact with certain friends or family members. Part of your change toward sobriety is the association with clean and sober people. Social situations, work contacts, and residences will be reviewed to confirm that you are engaging in clean and sober activities. Remember that your associations largely influence your life, and change in your social contacts is essential to your sobriety and success in DUI Court.

## **10. NIGHTLY CURFEWS / RANDOM HOME CHECKS**

For the duration of your DUI Court program, you will be subject to a nightly curfew which is extended as you advance through the five phases. Curfews are enforced using an online check-in portal and random home checks. Home checks will be conducted by specially trained DUI Court law enforcement officers. The scope of a home check is limited to confirming that you are living in a sober environment and abiding by the conditions of DUI Court. For further details regarding the home check policy, see Appendix A.

## **11. EDUCATIONAL, VOCATIONAL, AND EMPLOYMENT PROGRAMS**

Recovery from a substance use disorder means developing self-sufficiency and becoming a responsible and accountable person who contributes to the community. You will be assisted in obtaining an assessment of your needs and skills and will be referred to the proper agencies for education, training, and job placement. If you are eligible, you will be assisted in learning about and applying for school loans, grants, or other financial assistance. If applicable, prior to graduation from DUI Court, you may be expected to be employed and/or involved in an educational or vocational training program.

## **12. LEGAL FINANCIAL OBLIGATIONS**

All court payments are to be established and paid directly to the court. Information regarding your payments may be obtained from the court clerks or your case manager. The Judge may convert some or all of your non-mandatory fines, fees, costs and assessments to community service hours. If your charge involved a property crime, you may be required to pay the restitution to the victim(s) of the crime. The amount of restitution, if any, is typically determined at your sentencing hearing. Note that this amount *may not* be converted to community service hours, regardless of your ability to pay. You will complete a full financial



screening during Phase 3 of DUI Court. You will begin to make regular payments on your legal financial obligations in accordance with the court order in Phase 4 of the program.

## **PROGRAM ACCOUNTABILITY**

Accountability has proved to be the single most important aspect to treating alcohol or drug addicted offenders. Consistent accountability based on clear guidelines and consequences in the event of non-compliance are key to maintaining accountability. In addition, a strong working relationship with your treatment provider and DUI Court Case Manager will help you to remain accountable. Honesty, being on time, knowing the program requirements, self-reporting, and good communication are all tools of accountability and will help ensure your continued growth and progress in the DUI Court Program.

## DUI COURT PHASES

| Phase 1 – Acceptance  | Phase 2 – Accountability  | Phase 3 – Determination  | Phase 4 – Integrity   | Phase 5 – Freedom   |
|---|---|--|---|---|
| Extended Assessment / Acute Stabilization<br><i>(participant moves from contemplation to preparation stage)</i>   | Active Treatment / Clinical Stabilization<br><i>(participant moves from preparation to action stage)</i>  | Active Treatment / Pro-social Habilitation<br><i>(participant maintains action stage and builds recovery network)</i>  | Adaptive Habilitation / Relapse Prevention<br><i>(participant moves from action to maintenance stage)</i>   | Sustained Recovery / Continuing Care<br><i>(maintenance stage)</i>  |
| Minimum – 60 days   | Minimum – 90 days   | Minimum – 90 days  | Minimum – 90 days   | Minimum – 90 days   |
| <ul style="list-style-type: none"> <li>▪ bi-weekly staffing &amp; court appearances</li> <li>▪ weekly meetings with case manager</li> <li>▪ Min 2 random drug tests/ wk</li> <li>▪ serve mandatory minimum sentence</li> <li>▪ develop case plan with case manager</li> <li>▪ develop housing / transportation plan</li> <li>▪ obtain substance use disorder evaluation &amp; complete intake</li> <li>▪ complete “My Life in Addiction” assignment</li> <li>▪ curfew – 9:00 pm</li> <li>▪ home visits</li> </ul> | <ul style="list-style-type: none"> <li>▪ bi-weekly staffing &amp; court appearances</li> <li>▪ weekly meetings with case manager</li> <li>▪ Min 2 random drug tests/ wk</li> <li>▪ maintain compliance with treatment program</li> <li>▪ investigate peer recovery network</li> <li>▪ maintain housing / transportation plan</li> <li>▪ complete full financial screening</li> <li>▪ develop financial budget</li> <li>▪ engage in pro-social activities</li> <li>▪ curfew – 10:00 pm</li> <li>▪ home visits</li> </ul> | <ul style="list-style-type: none"> <li>▪ bi-weekly staffing &amp; court appearances</li> <li>▪ bi-weekly meetings with case manager</li> <li>▪ Min 2 random drug tests/ wk</li> <li>▪ maintain compliance with treatment program</li> <li>▪ establish peer recovery network</li> <li>▪ maintain housing / transportation plan</li> <li>▪ complete DUI Victim’s Panel</li> <li>▪ engage in pro-social activities</li> <li>▪ curfew – 11:00 pm</li> <li>▪ home visits</li> </ul> | <ul style="list-style-type: none"> <li>▪ monthly staffing &amp; court appearances</li> <li>▪ bi-weekly meetings with case manager</li> <li>▪ Min 2 random drug tests/wk</li> <li>▪ maintain compliance with treatment program</li> <li>▪ maintain peer recovery network</li> <li>▪ maintain housing / transportation</li> <li>▪ begin MRT Program</li> <li>▪ address life skills - job training, education, family</li> <li>▪ work on relicensing</li> <li>▪ begin to pay fines or community service hours</li> <li>▪ home visits</li> <li>▪ curfew – 11:00 pm</li> </ul> | <ul style="list-style-type: none"> <li>▪ monthly staffing &amp; court appearances</li> <li>▪ monthly meetings with case manager</li> <li>▪ Random drug testing</li> <li>▪ complete treatment program</li> <li>▪ maintain peer recovery network</li> <li>▪ complete MRT Program</li> <li>▪ secure and maintain employment/education, if applicable</li> <li>▪ secure valid driver’s license, if eligible</li> <li>▪ home visits</li> <li>▪ complete and present “My Journey” assignment</li> </ul> |
| Phase Up Requirements   | Phase Up Requirements   | Phase Up Requirements  | Phase Up Requirements   | Graduation Requirements   |
| <ul style="list-style-type: none"> <li>▪ 14 consecutive days sanction-free (including no new crimes)</li> <li>▪ 21 days sobriety</li> </ul>   | <ul style="list-style-type: none"> <li>▪ 28 consecutive days sanction-free (including no new crimes)</li> <li>▪ 30 days sobriety</li> </ul>   | <ul style="list-style-type: none"> <li>▪ 28 consecutive days sanction-free (including no new crimes)</li> <li>▪ 50 days sobriety</li> </ul>  | <ul style="list-style-type: none"> <li>▪ 45 consecutive days sanction free (including no new crimes)</li> <li>▪ 75 days sobriety</li> </ul>   | <ul style="list-style-type: none"> <li>▪ 90 consecutive days sanction-free</li> <li>▪ 90 days sobriety</li> <li>▪ complete all conditions of DUI Court</li> </ul>   |

## PHASE PROGRESSION

For any phase progression, participants must be clinically appropriate and have met clinical obligations. Treatment providers will evaluate participation in group and individual sessions, time in current phase, drug and alcohol test results, etc. to assess a participant's readiness to move to the next phase.

## STAFFINGS AND STATUS CONFERENCES

Staffing is the meeting that is held prior to the DUI court session where team members meet to discuss the progress of participants. The discussion consists of behaviors that are concerning as well as good things that participants are doing. During these discussions, strategies or resources are identified that might provide assistance or support for participants. Present during the staffing are the DUI Court Judge, court coordinator, treatment provider(s), case manager, the prosecutor assigned to DUI Court, the DUI Court defense attorney and the law enforcement officer(s) assigned to DUI Court. All team members attend the court session.

## SANCTIONS AND REWARDS

At each court hearing, participants are held accountable for their performance and program compliance. Both compliant and noncompliant behaviors will be addressed with rewards and sanctions ordered to reinforce the consequences of participants' choices and behaviors. When considering whether to impose a sanction and what that sanction should be, the Judge listens to input from the DUI Court Team and from the participant. Additionally, the Judge will review the participant's program history to include the number of previous consequences, the participant's current phase level, and the participant's attitude and ownership of the behavior. The table below outlines a (non-exclusive) list of possible responses to non-compliant behaviors that may be imposed by the Judge.

| RESPONSES TO NON-COMPLIANT BEHAVIOR          |                                    |
|--|------------------------------------|
| CHOICE                                       | POSSIBLE SANCTION                  |
| Missed court appearance                      | Reprimand by the Judge             |
| Missed appointment with case manager         | Increased court appearances        |
| Violation of court order                     | Remand to jail                     |
| Dilute, tampered or positive drug test       | Phase demotion                     |
| Missed drug test (considered positive test)  | Additional community service hours |
| Missed treatment appointment/session         | Work crew                          |
| Inappropriate behavior at treatment facility | Essay presented to Judge           |
| New DUI or other arrest                      | Termination notice                 |
| Driving while license suspended/revoked      | Termination from program           |
| Failure to perform sanctions                 | Move to a sober residence          |

|                                   |   |
|-----------------------------------|---|
| Noncompliance with treatment plan | Letter of apology   |
| Dishonesty                        | Increased drug and alcohol testing (may include TAD or increased UAs) |
| Violation of home check rules     | Attend defensive driving class  |
| Failure to attend graduation      | Delayed phase advancement   |

Note that you will also be **rewarded** for your accomplishments in DUI Court. The team recognizes compliance and good choices as a critical factor to successful recovery. Rewards may include movie passes, coffee coupons, books, or other items of participant interest.

## ABSCONDING

If a participant absconds (quits, runs away, flees, or stops reporting as required) for any reason, the participant will be subject to termination from DUI Court. Instead of running when a problem arises, the participant should bring the problem to the attention of a member of the DUI Court Team who will work with them in an attempt to find a solution. Absconding only complicates the situation and may lead to removal from the Program and the possible revocation of the balance of your jail term.

## TERMINATION FROM DUI COURT

The DUI Court Team and Judge will review your progress and compliance in all DUI Court Program phases. If you have continual non-compliance issues or rule violations, a termination hearing notice will be issued by the DUI Court Judge. The notice of termination hearing will give the participant notice of the alleged violation(s) as well as the opportunity to come back into compliance within a set period of time.

New charges, illegal behavior, warrants, discharge from treatment, chronic non-compliance and/or continued dishonesty may result in termination from the DUI Court program. Other violations which may result in termination, include the following:

- Failure to appear for alcohol/drug tests.
- Positive or altered alcohol/drug tests.
- Demonstrating a lack of program response by failing to cooperate with your case manager or treatment program.
- Violence (or threat of violence) or inappropriate behavior directed at DUI Court Team, other participants of the program or other participants of the treatment providers.
- Unexcused absences in treatment or court.
- Inappropriate sexual relationships with treatment providers and/or other DUI Court participants.

- Any other non-compliance with these rules or other orders made by the DUI Court Judge.

Once a participant is terminated from DUI Court, the judge may revoke all remaining jail time.

## GRADUATION CRITERIA

DUI Court graduation requirements:

- Development of a relapse prevention plan.
- Minimum of 24 months in the program.
- Successfully complete substance use disorder or co-occurring disorder treatment 3 months prior to graduation.
- Successfully complete MRT Program.
- Complete and present Culmination Project.
- Must be sanction free at least 90 days prior to graduation.
- Not have incurred new criminal charges.
- Consistency in keeping appointments with case manager, treatment etc.
- Stable housing.
- Stable employment/education, if applicable.
- Completion of 20 hours of community service.
- Completion of GED, if applicable.
- Engagement in community support groups (AA/NA or other peer recovery groups), including regular contact with Sponsor.
- Demonstrates involvement in the community
- Completion of all program requirements.
- All DUI Court program fees, fines, and restitution (if any) paid in full.

Upon successful completion of your treatment program and satisfaction of other court requirements including continued sobriety, you will graduate from DUI Court and your case will be closed.

Graduation from DUI Court is recognized as a significant achievement. Your loved ones will be invited to join you at a special ceremony as the DUI Court Team congratulates you for successfully completing the DUI Court Program and achieving your goal to establish an alcohol- and drug-free lifestyle. You will also be presented with the official DMMC DUI Court Challenge Coin to commemorate your achievement.

## CONCLUSION

DUI Court is based on the understanding that substance use disorder is a chronic, progressive disorder that can be successfully treated. The success of this program is founded on the belief that the post-arrest period can provide a particularly good opportunity for treatment interventions and recovery from addiction that will break the cycle of drinking or using drugs, committing crimes, and going to jail. The DUI Court Team is committed to your success and will support you in achieving total abstinence from alcohol and other drugs and assist you in becoming a productive and responsible member of the community. You must be motivated to make this change and commit to an alcohol- and drug-free life. This will require hard work and dedication on your part but you are worth the effort!

The DUI Court Team is available to assist you if you have questions or problems; we hope that you will remain in contact with the program in the years ahead and perhaps support or sponsor another DUI Court participant.

## DUI COURT TEAM MEMBER CONTACT LIST

Listed below are the names and contact information for DUI Court Team members who can assist you with questions or concerns as they arise. Unless ordered by the Judge, do not send any information, documents, homework assignments, or treatment reports directly to the judge; all information should be routed either through your defense attorney or your case manager, as appropriate.

|  |  |
|--|--|
| <b>Des Moines Municipal Court</b><br><b>21630 11<sup>th</sup> AVE S STE C</b><br><b>DES MOINES, WA 98198</b> | <a href="mailto:court@desmoineswa.gov">court@desmoineswa.gov</a><br>Telephone: 206-878-4595<br>Fax: 206-870-4387                                   |
| <b>DUI Court Case Manager</b><br><b>Melissa Patrick</b>  | <a href="mailto:mpatrick@desmoineswa.gov">mpatrick@desmoineswa.gov</a><br>Telephone: 206-870-6593<br>Cell Phone: 206-975-3285<br>Fax: 206-870-4387 |
| <b>DUI Court Public Defender</b>   | <a href="mailto:shanice@sbmhlaw.com">shanice@sbmhlaw.com</a><br>Telephone: 206-859-8840<br>Cell Phone: 253-266-0216<br>Fax: 253-859-2213           |



## FREQUENTLY ASKED QUESTIONS

### **1. CAN I ENTER INTO DUI COURT IF I AM CURRENTLY ON A DEFERRED PROSECUTION IN ANOTHER JURISDICTION?**

No.

### **2. CAN I ASK TO TRANSFER MY CASE INTO DUI COURT IF MY DEFERRED PROSECUTION IS REVOKED?**

Yes, assuming that you meet the initial eligibility criteria, have no prior disqualifying convictions, and the DUI Court Team determines that you are a good candidate for DUI Court.

### **3. WHAT IF I CAN'T AFFORD TO PAY FOR TREATMENT?**

DUI Court does not subsidize the cost of treatment, meaning that you must either have the means to pay for treatment out of pocket, are currently covered by a health insurance plan that covers the cost of treatment, or are eligible to receive subsidized treatment through the Veteran's Administration or other state or federal program.

### **4. CAN I ENTER INTO DUI COURT BEFORE I ENTER A GUILTY PLEA?**

No. DUI Court is a post-conviction program. You will enter into DUI Court at the time of sentencing, and your case was screened by the DUI Court Team.

### **5. IF I DON'T HAVE A LICENSE, HOW AM I SUPPOSED TO GET TO COURT?**

The DUI Court Team will work with you to develop a transportation plan, which may include assisting you with relicensing issues or, for those eligible, providing free bus passes to ensure you can get to and from court.

### **6. WHAT IF COURT OR TREATMENT OBLIGATIONS CONFLICT WITH FAMILY OR WORK OBLIGATIONS?**

By entering into DUI Court, you are agreeing to make treatment a priority above all other obligations. If you are struggling with meeting all of your obligations, you should immediately discuss any conflicts with your treatment provider and case manager who can help you identify ways to help you manage your schedule. Ultimately, however, if you consistently choose other obligations over your DUI Court obligations, you will be terminated from the program.

### **7. CAN I USE PRESCRIPTION MEDICATIONS?**

If your physician prescribes medication, it must be reviewed by your case manager. You will then sign a release of information between the prescribing doctor and case manager in order to verify your prescription. While in DUI Court, you must use ONE doctor and ONE pharmacy.



## **8. WHAT IF I HAVE A SERIOUS MEDICAL CONDITION?**

In general, if you have a serious medical condition you will not be excluded from DUI Court, as long as you are capable of fulfilling Program requirements. You must be willing to fully disclose your condition and medical care to the treatment providers and the DUI Court Team. If you are taking medication for your condition, you must continue to do so according to your primary care physician's directions. Although we can be flexible and work around your condition, you must be able to engage in and complete all treatment requirements. You must also provide a copy of all prescriptions to your case manager and must advise the team of any changes in your medications.

## **9. WHAT IF I NEED TO MOVE, CHANGE ROOMMATES, OR GET A NEW JOB?**

You must notify your case manager **before** you move to a new address or change your phone number. You must notify the case manager immediately if you get a new job, quit, get laid off or fired. You must also notify the case manager if someone moves in or out of residence, even if it is temporary.

## **10. WHAT IF I WANT TO TRAVEL OUTSIDE OF WASHINGTON STATE?**

If you need to travel outside of Washington, you must first contact your case manager to obtain a travel request form and a relapse prevention worksheet. If you are requesting a day trip, it is usually approved, as long as there is advanced notice and you are in full compliance. An overnight trip will require court permission. You will be required to test prior to leaving and immediate upon return.

## **11. WHAT IF I HAVE CONTACT WITH LAW ENFORCEMENT?**

You must report all police contact to your case manager within 24 hours of contact. Police/law enforcement contact includes any sort of interaction with law enforcement personnel, including outside probation/parole agencies. Contact could include, but is not limited to: being asked for ID by law enforcement, being a passenger in a vehicle that is contacted by law enforcement, being involved in a crime event or collision where law enforcement respond, or being questioned by law enforcement personnel as a suspect, victim and/or witness to a criminal act.

If you learn that you have a warrant or are the subject of an investigation, or if you are sought as a witness, you must report that to your case manager. If you receive a subpoena or a restraining order, or are party to a lawsuit, you must report that to your case manager.

## FREQUENTLY USED TERMS

You may hear various terms, initials, or acronyms used in DUI Court. Listed below are a few of the most common but if you are uncertain of what something means, just ask!

### **DOL**

Short for “Department of Licensing.”

### **EHD/EHM**

Electronic home detention or electronic home monitoring; may be imposed as part of your mandatory sentence or as a sanction for non-compliance.

### **FTA**

Failure to appear; an FTA for a mandatory court appearance may result in the issuance of an arrest warrant.

### **FTC**

Short for “failure to comply”; FTC with the requirements of the Program may result in a sanction or termination, as determined by the DUI Court Team.

### **IID**

Short for “ignition interlock device”; participants are responsible for the cost of IID.

### **IIL**

Short for “ignition interlock driver license”. While your driver’s license is suspended or revoked, you may apply for an IIL that will allow you to drive a vehicle equipped with an ignition interlock device for the period of your suspension or revocation.

### **IOP**

Short for “intensive outpatient treatment”.

### **MRT**

Short for “moral reconnection therapy”. MRT is an evidenced-based, cognitive behavioral program developed to reduce recidivism and reduce criminal behavior. MRT is a sixteen-step program, including twelve mandatory steps and four optional steps. Facilitators will guide you in self-assessment, building trust, setting goals, helping yourself and others while redirecting behavior so that you are able to think through the decision process.

**PBT**

Short for “preliminary breath test”.

**PORTABLE BREATHOMETER**

Hand-held breath-testing device.

**PRO-SOCIAL ACTIVITY**

Pro-social activities are those that either promote physical health, such as yoga, meditation, or playing a team sport; or, those activities that support the health and well-being of others, such as volunteering for a community organization or actively participating in a peer support network.

**STAFFING**

Term used to describe the meeting of the DUI Court Team that precedes each DUI Court session.

**STATUS CONFERENCE**

Another term used to describe a DUI Court hearing.

**SUD**

Short for “substance use disorder”; this is used interchangeably with “substance abuse” or “chemical dependency”.

**TAD**

Short for “transdermal alcohol detection”; a TAD device is an ankle bracelet that measures alcohol consumption through the skin.

**UA**

Short for urinalysis; testing a urine sample for the presence of prohibited substances.

## APPENDIX A – DUI COURT HOME CHECK POLICY

### PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the DUI Court Team who are responsible for conducting compliance checks on participants of the Des Moines / Normandy Park DUI Court Program. This policy is enforced by the Des Moines and Normandy Park Police Departments. This policy also addresses the expectations placed on participants with regards to their conduct in their home or workplace while they are participating in the DUI Court Program.

The DUI Court Home Check Policy is not intended to supersede or replace the policies and procedures of the Des Moines and/or Normandy Park Police Departments. Rather, it is intended to work in conjunction with the department policies that the officers operate under. This policy is not intended as an all-inclusive document. Certain situations are not always predictable, and therefore, unforeseen issues that arise during or in connection with compliance checks will be evaluated by a totality of the circumstances. The response to such issues shall be according to Department policy, the laws and regulations of Washington State, and the laws and regulations of the Cities of Des Moines and Normandy Park, as applicable.

### DEFINITIONS

- **Curfew:** time by which the participant must be home each night, as determined by the DUI Court Team.
- **Home Check:** a home visit to ensure that the participant is in compliance with program requirements
- **Drug Test:** biological testing for the presence of alcohol or drugs; may be tested through breath, oral swab, or urine.
- **Paraphernalia:** any device used to consume, ingest, inject, smoke or otherwise assist in substance use
- **PBT:** preliminary breath test

### POLICY

It is the policy of the Des Moines / Normandy Park DUI Court that participants will be required to submit their person, vehicle, and place of residence to a lawful search and seizure of alcohol, drugs, paraphernalia, or other contraband intended for the use or consumption of alcohol and/or drugs. Participants will be asked to voluntarily consent to entry by members of the DUI Court Team into their residence for home checks as a condition of entering DUI Court, and the Court will impose as a condition of sentence that participants submit to reasonable searches of

their person, residence, and vehicle. The term “residence” shall include yards, detached garages, sheds, and other similar areas subject to the participant’s access or control.

Any law enforcement officer who observes a current participant of DUI Court in any of the following circumstances is authorized to arrest that individual:

- Whom is in violation of any criminal law;
- Using alcohol, marijuana, illegal drugs or non-prescribed controlled substances;
- Being under the influence of alcohol, marijuana, illegal drugs or non-prescribed controlled substances;
- Possessing alcohol, marijuana, illegal drugs or non-prescribed controlled substances; or
- Being in the presence of a person in possession of alcohol, marijuana, illegal drugs or non-prescribed controlled substances.

Further, participants detained in jail after arrest will be brought before a DUI Court Judge at the next scheduled DUI Court hearing.

Withholding or revoking consent to a home check by a participant will be considered serious non-compliant behavior and may result in sanctions up to, and including, termination from DUI Court. Withholding consent will not preclude search and seizure of the participant, their vehicle, their residence, or any other place as otherwise authorized by law. Such authority may include, but is not limited to, warrant/court order, exigent circumstances, or reasonable suspicion by an officer that a violation of conditions of DUI Court is occurring.

Refusal by a third party to allow a search of a participant’s vehicle or place of residence will be considered a refusal by the participant, and it is the participant’s responsibility to ensure that their living arrangement will not interfere with their compliance with the conditions of their program.

## **RESPONSIBILITIES OF LAW ENFORCEMENT / CASE MANAGER**

Law Enforcement and / or Case Managers shall check every participant’s residence after acceptance into the program. During the initial home check, the following should be documented if possible:

- Physical address of the residence
- Phone number (land line) of the residence
- Other contact information for the participants and residents of the home

- Vehicles on the property and vehicle information of the participant (if applicable)
- Identifying information of those who live in the home with the participant
- The presence of alcohol or drugs
- The presence of any medications or substances that may be prescribed to others who live in the residence
- The presence of any weapons either visible or non-visible (i.e. in a safe, closet, etc.) in the residence, a vehicle, or on the premises

Law Enforcement and/or the Case Manager should utilize a digital camera, body worn camera, and/or video to document the initial home check and all subsequent home checks. When possible, it is advised that officer's utilize video with the addition of male and/or female officers when conducting compliance checks on participants of the opposite sex of the officer. To the extent practicable, Law Enforcement and/or the Case Manager utilizing a digital camera, body worn camera, and/or video to document a home check should avoid recording any "intimate image" as that term is defined by RCW 42.56.240(14)(g)(ii) that is not: (1) related to the purposes of the home check or (2) evidence of a crime.

Law Enforcement and / or Case Manager(s) should vary compliance check times to ensure randomness and prevent predictability. The purpose of random home checks is two-fold. First, random home checks ensure that participants are in compliance with the program requirements. Second, random checks can provide early and immediate intervention should the participant begin to struggle with sobriety.

Compliance checks shall be documented on a log sheet or in report form as necessary. These log sheets and / or reports should be completed as soon as possible following the compliance check and submitted to the DUI Court for evaluation.

# DUI COURT PARTICIPANT HANDBOOK RECEIPT & ACKNOWLEDGEMENT

Case No. \_\_\_\_\_ Participant: \_\_\_\_\_

I understand that based upon my DUI-related criminal history, my participation in DUI Court is mandatory. I acknowledge that I have received a copy of the "DMMC DUI Court Participant Handbook." I further acknowledge that I have had the opportunity to review it with my attorney prior to entering my plea today. I understand that I am required to abide by all of the rules of DMMC DUI Court as provided in the handbook.

If a policy, procedure or rule is unclear to me, I will be responsible for seeking clarification. I understand that DUI Court reserves the right to modify or change any or all of the requirements, procedure and rules described in this Handbook, in whole or in part, at any time and without prior notice. In that case, changes will be communicated to me in writing. I also understand that a violation of the policies in this Handbook could subject me to sanctions and/or termination from DUI Court.

\_\_\_\_\_  
Participant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defense Attorney

\_\_\_\_\_  
Date

\_\_\_\_\_  
Prosecuting Attorney

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Date

## NOTES

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**'It is never too late to be what  
you might have been.'** - T.S. Eliot

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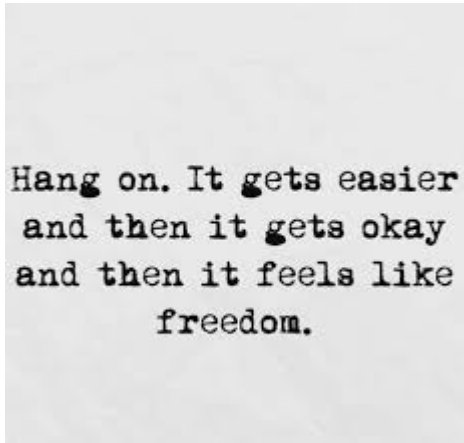
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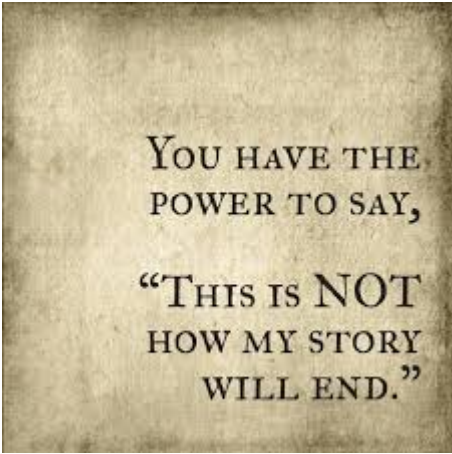
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